

**UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
FORT WORTH DIVISION**

DAVID SAMBRANO, individually and on  
behalf of all others similarly situated, *et al.*,

*Plaintiffs,*

v.

UNITED AIRLINES, INC.,

*Defendant.*

Civil Action No.: 4:21-cv-01074-P

**PLAINTIFFS' MOTION FOR RECONSIDERATION  
OF ORDER GRANTING IN PART DEFENDANT'S MOTION TO DISMISS**

Pursuant to Federal Rule of Civil Procedure 59(e), Plaintiffs respectfully move this Court to reconsider its decision granting in part Defendant's motion to dismiss. As set forth in the accompanying memorandum, the Court misapplied binding precedent and overlooked critical allegations in Plaintiffs' Second Amended Complaint. In doing so, the Court incorrectly dismissed: (1) Plaintiffs' retaliation claims; (2) Mr. Castillo's and Ms. Hamilton's failure-to-accommodate claims; and (3) Mr. Castillo's, Mr. Rains's, and Ms. Medlin's claims for being time barred.

Accordingly, the Court should reconsider and reverse its decision, allowing these claims to proceed to the next stage of litigation. Alternatively, given the robust record presented in Plaintiffs' recently filed motion for class certification, the Court should allow Plaintiffs to move to amend their complaint to present the newly discovered evidence, which strengthens Plaintiffs' allegations.

January 16, 2024

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Respectfully submitted,

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### **CERTIFICATE OF CONFERENCE**

On January 16, 2024, Brian Field, counsel for Plaintiffs, conferred with Don Munro, counsel for United, about the relief requested in this motion. Mr. Munro confirmed that United opposes the requested relief.

/s/ Brian J. Field  
Brian J. Field

### **CERTIFICATE OF SERVICE**

On January 16, 2024, I filed the foregoing document with the clerk of court for the United States District Court, Northern District of Texas. I hereby certify that I have served the document on all counsel and/or pro se parties of record by a manner authorized by Federal Rule of Civil Procedure 5(b)(2) (ECF System).

/s/ Brian J. Field  
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